



Ontario

Short-term Social Assistance Reforms for First Nations Communities

**First Nations Communities
Project Team**

March 1991



ACKNOWLEDGEMENTS

I would like to acknowledge the following people for the time and effort that was put forth in completing this document and to all the Ontario Chiefs and Councils who reviewed this document.

Mr. Ernie Debassige	-	Elder to the Project Team
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Joe Miskokomon	-	Chief, Union of Ontario Indians and member of the Advisory Group to the Minister on Social Assistance Legislation and Project Team Participant
Jane Kavanaugh	-	Former First Nation Social Service Administrator and Project Team Member

- Jim Carroll - Former Ministry of Community and Social Services Program Review Officer and Project Team Member
- Hugh Shewell - Indian and Northern Affairs Canada and Project Team Member
- John Stapleton - Manager of the Legislation Development Section for the Ministry of Community and Social Services and Project Team Participant
- Special Thanks to: - Heather-Anne Francis Driver, Legislation Development Section

Meeg Wetch to everyone.

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PREAMBLE

The following report of the First Nations Communities Project Team regarding the development of new Social Assistance Legislation contains recommendations for immediate implementation to:

- 1) improve and promote First Nations control of social welfare within the terms of present GWA legislation; and
- 2) make the Regulations and policies which flow from that legislation more sensitive to the economic, social and cultural concerns of Ontario's First Nations communities.

The recommendations do not necessarily reflect the long-term possibilities for First Nations communities in the field of social welfare. They should be seen, rather, as an interim, transitional step toward ensuring that First Nations social welfare programs will be First Nations determined, First Nations specific, First Nations based and First Nations controlled.

The recommendations represent the work of the First Nations Communities Project Team over a period of two months. The Project Team extensively reviewed existing GWA legislation, Regulations and policy in the light of the First Nations recommendations contained within Transitions, the Report of the Social Assistance Review Committee (1988) and First Nations submissions to that Committee.

The First Nations Communities Project Team is firmly of the opinion that the recommendations contained herein can and must be implemented immediately and that a consultation process between First Nations peoples and relevant government agencies be put in place to ensure their effective incorporation into present provincial policies and practices.

The following recommendations have been identified by the First Nations Communities Project Team as fast-track changes that can occur within existing legislation or with nominal changes to the Regulations.

NOTE: First Nations Social Service Administrators and "Welfare Administrators" are synonymous terms in this document.

PART 1 CHANGES TO GWA POLICY AND/OR REGULATIONS

1. CONSISTENT INTERPRETATION OF GWA REGULATIONS/GUIDELINES AND PRACTICES BETWEEN MINISTRY OF COMMUNITY AND SOCIAL SERVICES (MCSS) AREA OFFICES AND BETWEEN INDIAN AND NORTHERN AFFAIRS CANADA (INAC).

Currently, there are up to 14 different interpretations (13 area offices plus the policy branch) and opinions on how GWA should be delivered in First Nations Communities. To compound this problem, INAC districts have their own perception of how GWA should be delivered in First Nations communities. First Nations communities have experienced great difficulties with MCSS and INAC inconsistencies.

The basic problem is that GWA Guidelines have historically interpreted the GWA Regulations in a non-native materialistic manner which has not been culturally sensitive to the First Nations Community. In 1978, Ontario Native Administrators Association (ONWAA) pushed for native specific delivery of GWA in First Nations communities for the benefit of their people. What was developed was the Northern Districts Manual that only addressed Northern delivery issues. This manual has not been revised since 1984.

RECOMMENDATIONS

- o That MCSS/INAC/OISSC/ONWAA develop a set of procedural guidelines that provide clear direction to all MCSS/INAC offices for the consistent interpretation and implementation of the GWA Regulations to allow First Nations to provide social assistance for the benefits of their people and communities.
- o That regular meetings be held between all INAC District Superintendents of Social Development and all MCSS Program Supervisors of Income Maintenance to discuss and ensure that the procedural guidelines as developed by MCSS/INAC/OISSC/ONWAA are conveyed and understood by all MCSS and INAC social development staff.
- o That the Northern Districts Manual be considered as a possible vehicle that could promote the equity and consistency that was originally asked for by ONWAA in 1978.

2. DISCRETIONARY AREA OF GWA - SPECIAL ASSISTANCE/SUPPLEMENTARY AID

Many issues and problems arise with regard to the discretionary sections of General Welfare Assistance. Of particular concern are those items considered for payment under Special Assistance and Supplementary Aid including emergency housing repairs and items of need to the elderly. As noted in Issue #1, various MCSS/INAC authorities are inconsistent in their approval of items eligible for Special Assistance and Supplementary Aid.

RECOMMENDATIONS

- o That First Nations develop written welfare policies to address the discretionary aspects of GWA, specifically Special Assistance and Supplementary Aid.

3. NORTHERN ALLOWANCE/COST OF LIVING

Under GWA, the Northern District Manual provides a northern allowance of 20 % of basic needs. This allowance is paid in addition to basic assistance to persons who reside in isolated communities. The allowance recognizes the high cost of food and clothing due to transportation and is currently paid as Special Assistance and Supplementary Aid. It should be noted this allowance is not supported by Regulation, and was introduced in 1980 under the Director's authority. The northern allowance was intended to be 20 per cent of basic needs. However, yearly tables utilize an averaged amount based on family size. This creates a situation where the Northern Allowance is not adequate to meet First Nations needs. Studies show that food and household item prices in Northern remote communities range from 40-90% higher than Southern Ontario. This will be further exacerbated by the Canada Post plans to terminate their subsidies for Northern Communities in 1991.

RECOMMENDATIONS

- o That the Ministry cost-share the Northern Allowance at 80 per cent as an item of basic need.
- o That the current tables be adjusted to truly reflect each case based on the number of adults and children, and the ages of the children and that this matter be treated with some urgency due to the planned termination of Northern subsidies by Canada Post.

- o That when changes are made to formulas which First Nations must manually compute since they are not automated, that they be informed of such changes. As stated earlier, this is a public program and as such, the delivery agent has the right to know of these changes. No smoke and mirrors.

4. LEVELS OF AUTHORITY

Under existing guidelines and practices, delegated levels of authority are maintained within the Ministry. Some levels of authority such as defining staff training, allowable items under Special Assistance and Supplementary Aid and some administration costs should be delegated to First Nations.

RECOMMENDATION

- o That the Ministry jointly review the levels of delegation of authority with First Nations (OISSC and ONWAA) and delegate wherever possible.

5. FUNERALS AND BURIALS

Coverage of funeral and burials costs was recently increased to 80%. However, transportation costs of deceased persons remain under special assistance, and therefore, are cost-shared at 50%. In Northern Ontario, where 70% of the First Nations are located, transportation costs associated with funerals and burials are extremely high. In many cases, these costs exceed actual funeral and burial costs. These costs include transportation of the deceased from urban hospitals to First Nations and transportation from First Nations to urban centres for burial preparation. This is a common occurrence for the 50 remote First Nations which rely on air transportation.

RECOMMENDATION

- o That all transportation costs associated with funerals and burials be cost-shared at 80%.

6. ALLOWABLE ASSETS - LIQUID AND CONVERTED

Under existing Regulations, liquid assets are considered to be cash, bonds, stocks, debentures, trusts and any other liquid asset that can be converted into cash. The guidelines further define what can be converted into cash and what the ceilings are with respect to assets. In the past, the definitions and interpretations of assets did not recognize that in First Nations, such items as boats, snowmobiles, ATV's, guns, traps, and canoes are necessities of life. Recent changes to GWA have resulted in more liberal interpretations, but conflicts and differences continue to occur among Ministry Area Offices. This problem is often compounded by Ministry field staff who lack an appreciation and understanding of First Nations needs. It is felt that current asset levels for GWA, (as defined by guideline and not Regulation) do not reflect the fundamental change in GWA from a categorical short-term program to a wage supplementation - budget deficit determined program.

RECOMMENDATION

- o That based upon the fundamental change to GWA with respect to employment and wage supplementation, GWA asset levels parallel FBA asset levels for consistency between the two programs.

7. EXEMPTION OF COMPENSATION AND LAND CLAIM SETTLEMENTS IN GWA

Family Benefits Regulations exempt compensation and land claim settlements in sub-section 13(2)30, in addition to exempting Treaty payments. In General Welfare, only Treaty payments are exempted. As well, current guidelines do not identify or define treaty payments, compensation or land claim settlements.

RECOMMENDATION

- o That the Ministry add a sub-section to the General Welfare Assistance Regulation which parallels subsection 13(2)30 of the Family Benefits Regulation.

**PART II RECOMMENDED CHANGES TO POLICY WITH RESPECT TO EMPLOYMENT
AND ELIGIBILITY**

8. CATEGORICAL ELIGIBILITY - EMPLOYMENT

Current eligibility Regulations and guidelines which require a person to be actively seeking part-time, full-time or casual employment, do not address or take into account First Nations demographics and geographics. In a large percentage of First Nations communities, employment or economic development is either non-existent or limited to employment related to First Nations administration. Where First Nations are located near urban centres, transportation to and from work is often not available. Although, some MCSS area offices have taken a proactive stance in recognizing First Nations demographics and geographics, Ministry Regulations and guidelines do not reflect nor address these situations.

RECOMMENDATIONS

- o That the First Nations wish to utilize the budget deficit method for eligibility determination for Employables under GWA be recognized.
- o That transportation costs to support obtaining and maintaining employment be considered as a budgetary item in social assistance rate structures.

9. EMPLOYMENT PROGRAMS

A major problem in First Nations communities is the lack of employment and economic development. Suitable training and employment programs are required to address basic job skills and life skills to support First Nations people living in their communities or in urban centres. Existing employment programs, whether through the Ministry or other sources, do not address First Nations demographics, geography or culture. Most employment programs have a narrow focus, are time limited, and are not properly monitored and evaluated to ensure that the client is benefiting from such programs. This would be an ideal time to address these shortfalls as the Ministry is currently reviewing the employment area and has recently committed 54 million dollars in funding to improve employment programs.

RECOMMENDATIONS

- o That all new and redesigned MCSS Employment Programs be equally available and accessible to First Nations Communities and that:
 - these initiatives be co-ordinated by the Indian Commission of Ontario tri-partite process
 - such programs be designed in consultation with First Nations respecting both federal and provincial initiatives.
- o That the Ministry provide funding for the further development and implementation of skills training to assist First Nations people to work in an urban setting.
- o That any modified programs or new programs have adequate ongoing funding and realistic time frames in order to work effectively.

PART III RECOMMENDED CHANGES TO SERVICE DELIVERY, TRAINING, ORGANIZATION AND ADMINISTRATION

10. STAFF TRAINING AND RECOGNITION OF DUTIES - PART-TIME TO FULL-TIME STATUS

First Nations Social Service Administrators provide and are responsible for a range of social programs including GWA, counselling, homemakers and other programs for the elderly, day nurseries, employment programs and other services as defined by Chief and Council. Most First Nations Social Service Administrators do not have additional staff or supervisors to cover other social programs, as compared to municipal delivery agents. This problem is further compounded by the FBA program which relies heavily on mailouts which are not understood by a high percentage of the First Nations clientele.

In most cases, First Nations Social Service Administrators complete and translate FBA forms on behalf of their communities, for which they receive no compensation. In cases where there are additional staff on First Nations, these staff are caseworkers. Historically, the Ministry has utilized a 50:1 caseload ratio for First Nations Social Service Administrators when considering conversion from part-time to full-time. This ratio is based on General Assistance cases only and does not include foster care cases, transients, special assistance, supplementary aid and nursing home cases. It should be noted that this formula and policy have never been documented by the Ministry. Currently, there are some MCSS Area Offices who have either lowered their caseload ratio, or, are considering all social assistance cases with regard to the original ratio.

RECOMMENDATIONS

- o That the Ministry develop a written policy that recognizes and supports the actual duties of the First Nations Social Service Administrator.
- o That the Ministry recognize the administrative duties of the First Nations Social Service Administrator by allowing a ratio of 30:1 cases which include General Assistance, special assistance, supplementary aid, foster care, transient and nursing home cases when converting from part-time to full-time.
- o That appropriate and ongoing training be provided by the Ministry with regard to program and policy changes.

- o That upon the identification of additional activities for the delivery of social services, such as:

- Translation
- Training
- FBA Intake, etc.

MCSS provide appropriate remuneration.

- o That the Ministry recognize that food and clothing costs are equally high in northern isolated communities for First Nations Social Service Administrators. This can be accomplished by allowing a cost-of-living allowance that is comparable to what the Ministry provides to its employees in similar situations. This allowance should be provided to both full-time and part-time administrators.

11. AFFIRMATIVE ACTION

The Ontario Native Welfare Administrators Association and Transitions identified a need to employ First Nations people at all levels within the Ministry. This would include Income Maintenance Workers, Program Review Officers, Income Maintenance Supervisors, Program Supervisors, Program and Policy Analysts and Managers. In recent years, the Ministry has increased the number of First Nations staff at the middle and senior management levels in both corporate and Area Offices however, this action has not been consistently reflected in all MCSS Area Offices.

Pro-activity, not an overall Ministry policy, has been the key to the hiring of Native personnel. As noted, the majority of Native staff within the Ministry ranks are at the middle and senior management levels. Although affirmative action continues to be required in the middle and senior ranks, Native staff are urgently required at the field level in such capacities as Income Maintenance Workers/Native Services workers, Program Review Officers and Training Officers.

Historically, Native people with extensive experience and diplomas have not applied for Ministry positions as they may not have the required degrees. Current internship programs and affirmative action positions are time and dollar limited. Statistical information regarding FBA caseloads indicate that full-time Native Services worker positions, staffed by Native persons, are required in areas such as Thunder Bay, North Bay, Sudbury, Windsor, London, Hamilton, Toronto, Barrie, Peterborough, Kingston and the Ottawa Area Offices.

All other Area Offices could support part-time or mixed caseload positions. The three northern area offices could also support a Native Review Officer. In addition, the North Region could support a Native trainer, while the other three regions collectively could support a Native trainer for Southern Ontario.

RECOMMENDATIONS

- o That the Ministry initiate a First Nations specific policy in cooperation with ONWAA, OISSC and INAC regarding affirmative action to encourage MCSS Area Offices to hire and train Native persons to fill positions such as Income Maintenance Workers, Program Review Officers and Program Supervisors. These office sites should include: Thunder Bay, North Bay, Sudbury, Windsor, London, Hamilton, Toronto, Barrie, Peterborough, Kingston and the Ottawa Area Offices.
- o That these positions be funded with ongoing and secure dollars to ensure that established positions remain in place.
- o That Native trainers be hired to provide ongoing, relevant program training for Native delivery agents, and ongoing cultural awareness training be developed in cooperation with First Nations community for Ministry staff.
- o That proportionate Native representation be seconded, hired or appointed to the Social Assistance Review Board and the Medical Advisory Board, with a long-term view to establishing and recognizing First Nations Review Boards.
- o That the value of experience and other educational qualifications be given equal consideration when developing selection criteria and standards for hiring.
- o That additional ongoing and secure affirmative action funds be made available to Municipalities with a significant Native caseload such as: Kenora, Thunder Bay, Sioux Lookout, Sault Ste. Marie, Sudbury, North Bay, Cochrane, Toronto, London, Windsor, Hamilton, Kingston, and Ottawa.

12. JOINT INTAKE

The process of referring First Nations clients from GWA to FBA can be a long and cumbersome process. The fact that FBA workers are unable to complete timely home visits in which to verify application, has led to increased situations where the First Nations clients must go to a local Ministry office.

Depending on geographic location this is sometimes impossible, and therefore, referred clients may wait up to three months to have their referral/application verified by a worker.

In situations where First Nations clients are able to visit a local office, time constraints make interviews difficult. Due to the lack of time a FBA worker can spend with a client, the mailout process of income statements, client information update reports and present condition reports, has led to many situations where the First Nations Social Services Administrator must assist these clients with these reports.

Computer generated client notices such as grant letters, overpayment letters and termination letters do little to support a client's knowledge of why a decision was made. This is further compounded by the basic fact that of the estimated 3,000 FBA cases on-reserve, approximately 1,900 clients do not utilize English as their primary language. It should be noted that data regarding off-reserve or urban FBA active cases are not available. It can be easily be assumed, however, that an equal number of active cases are located off reserve.

RECOMMENDATIONS

- o That First Nations, through their Social Service Administrators, be give the opportunity to become involved in Joint Intake, by extending them the authority to take applications and conduct follow-up interviews, reviews and up-dates.

PART IV RECOMMENDATIONS CONCERNING LANGUAGE RECOGNITION

13. LANGUAGE TRANSLATION

Currently, all material including Regulations, guidelines, directives, brochures and pamphlets (excluding the SARB pamphlet) are in English only. Approximately 70 First Nations out of the 103 approved to deliver GWA utilize Cree, Ojibway, or Oji-Cree as their primary language. The majority of First Nations Social Service Administrators use and understand English, however the majority of their clients and Chiefs and Councils use their native languages. This continually creates difficulties in understanding the GWA program.

RECOMMENDATIONS

- o That a First Nations GWA Manual be written in Cree syllabics. It should be noted that in 1984, the GWA Regulations were converted to Cree syllabics by way of a pilot project. This project was not carried on due to a loss of core funding.
- o That all correspondence, directives, brochures and pamphlets be written in laypersons terms so that these complex programs can be easily understood.
- o That adequate resources be provided to enable prompt and concise revisions to the policy and procedural guidelines; and to enable First Nations communities to do their jobs effectively.

14. BILINGUALISM

The Ministry, in accordance with provincial legislation (Bill 8) designates positions as bilingual depending upon their location in the province. Persons with the required qualifications generally receive remuneration for these language skills. With respect to First Nations, approximately 70% of First Nations Social Service Administrators must provide such services to their clientele when administering GWA and other Ministry programs. Remuneration has not been provided for these services.

RECOMMENDATION

- o That First Nations Social Service Administrators who provide required translation services as part of their duties when administering GWA be encouraged, supported and recognized through appropriate remuneration.